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NOV - 3 2011	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ELOY GARCIA,)
)
Defendant.)

2:10-CR-454-JCM (GWF)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on November 3, 2011, defendant ELOY GARCIA pled guilty to Counts One, Twenty-Four, and Twenty-Eight of a Thirty-Four-Count Criminal Indictment, charging him in Count One with Conspiracy to Commit Mail Fraud, in violation of Title 18, United States Code, Sections 1341 and 1349; in Count Twenty-Four with Money Laundering, in violation of Title 18, United States Code, Section 1957; and in Count Twenty-Eight with False Declaration in Relation to A Bankruptcy Proceeding, in violation of Title 18, United States Code, Section 152(3). Docket #1.

This Court finds defendant ELOY GARCIA agreed to the forfeiture of the property set forth in Forfeiture Allegations of the Criminal Indictment, the Bill of Particulars, the Amended Bill of Particulars, and in the Plea Memorandum. #1, #64, #79.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Criminal Indictment, the Bill of Particulars, and Amended Bill of Particulars, and the Plea

Memorandum and the offenses to which defendant ELOY GARCIA pled guilty. #1, #64, #79.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(A) and Title 28, United States Code, Section 2461(c); and Title 18, United States Code, Section 982(a)(1), an *in personam* criminal forfeiture money judgment of \$4,401,548.54 in United States Currency, including:

- a. **\$43,473.41** in United States Currency, seized from Escrow Account Number FT100024888 from the sale of 6411 Strongbow Drive, Las Vegas, Nevada 89156;
- b. **3752 Majesty Palm, Las Vegas**, Clark County, Nevada, more particularly described as: All that real property situated in the County of Clark, State of Nevada, bounded and described as follows:
Lot 84 in Block 2 of Walnut Grove Unit 4 as shown by map thereof on file in Book 99 of Plats, Page 76 in the Office of the County Recorder of Clark County, Nevada with all appurtenances and improvements thereon (APN: 140-07-219-030);
- c. **2289 Black Bush Lane, Las Vegas**, Clark County, Nevada, more particularly described as: All that real property situated in the County of Clark, State of Nevada, bounded and described as follows:
Lot Fifty-two (52) In Block One (1) of Hollywood Vista - Phase 1, as shown by map thereof on file in Book 55 of Plats, Page 39, in the Office of the County Recorder of Clark County, Nevada with all appurtenances and improvements thereon (APN: 140-22-510-053);
- d. **3890 Idlewood Avenue, Las Vegas**, Clark County, Nevada, more particularly described as: ALL THAT CERTAIN PROPERTY SITUATED IN THE COUNTY OF CLARK, AND STATE OF NV AND BEING DESCRIBED IN A DEED DATED 04/20/2009 AND RECORDED 11/17/2009 IN INSTRUMENT NUMBER: 200911170003588 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS:
LOT FIFTY-TWO (52) IN BLOCK THREE (3) OF WALNUT GROVE UNIT 4, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 99 ON PLATS, PAGE 76, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA.
with all appurtenances and improvements thereon (APN: 140-07-116-008);
- e. **6644 Grand Oaks Drive, Las Vegas**, Clark County, Nevada, more particularly described as:
All that real property situated in the County of Clark, State of Nevada, bounded and described as follows:
LOT EIGHTEEN (18) IN BLOCK FIFTEEN (15) OF HOLLYWOOD VISTA- PHASE 6 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 71 OF PLATS, PAGE 43, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.
with all appurtenances and improvements thereon (APN: 140-22-615-028); and

...

1 f. **5455 Meikle Lane, Las Vegas**, Clark County, Nevada, more particularly described as:
 2 That portion of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range
 62 East, M.D.B.&M., described as follows:
 3 COMMENCING at the Northwest corner of the Southwest Quarter (SW 1/4) of said Section
 21;
 4 THENCE North 89°45'48" East along the North line thereof a distance of 2,426.88 feet to
 a point;
 5 THENCE South 0°00'48" East and parallel to the West line of the Southwest Quarter (SW
 1/4) of said Section 21, a distance of 358.26 feet to the TRUE POINT OF THE
 BEGINNING;
 6 THENCE South 89°34'00" East a distance of 100' to a point;
 7 THENCE South 0°57'35" East and parallel to the East line of the Southwest Quarter (SW
 1/4) of the said Section 21, a distance of 229.00 feet to a point;
 8 THENCE North 89°34'00" West a distance of 100.00 feet to a point;
 9 THENCE 0°5'35" West a distance of 229.00 feet to the TRUE POINT OF BEGINNING,
 with all appurtenances and improvements thereon (APN: 140-21-307-003) ("property").

10 This Court finds the United States of America is now entitled to, and should, reduce the
 11 aforementioned property to the possession of the United States of America.

12 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
 13 United States of America should seize the aforementioned property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
 15 ELOY GARCIA in the aforementioned property is forfeited and is vested in the United States of
 16 America and shall be safely held by the United States of America until further order of the Court.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
 18 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
 19 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
 20 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
 21 the name and contact information for the government attorney to be served with the petition,
 22 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
 24 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
3 following address at the time of filing:

4 Michael A. Humphreys
Assistant United States Attorney
5 Daniel D. Hollingsworth
Assistant United States Attorney
6 Nevada State Bar No. 1925
Lloyd D. George United States Courthouse
7 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 DATED this 31 day of Nov., 2011.

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16 UNITED STATES DISTRICT JUDGE
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